IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.21105 of 2002

Between:

Kalluri Venkata Nagabhushanam S/o Kantha Rao,
Resident of Pedana, Krishna District.

..... PETITIONER

AND

1 Commissioner
Pedana Municipality Commissioner, Pedana
Krishna District.

2 Yuvajana Grandhalayam, Kolukulavari Street, Pedana, Krishna district, rep.

by its President K.Syamsunder Rao S/o Subramanya Sastry
Vajana Grandhalyam, Kolukula Vari street r/o Pedana
Krishna District

(R-2 is impleaded as per court order in WPMP No.7611 of 2003 dated 18-06-2003)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Direction or Order, particularly one in the nature of Mandamus declaring the action of the respondent herein in issuing a Tender Notification in proceeding R.O.C. No. 1120/98-E1 dated 3/09/2002 as illegal, arbitrary and colourable exercise of powers and consequently direct the respondent not to proceed with the construction of the shopping complex in the Mahatma Gandhi Park in Pedana Town, Krishna District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Sri R.V.SUBBA RAO (Not Present)

Counsel for the Respondent No.1: Sri SRINIVAS DAMMALAPATI

Mr. K.Ravi for R-2

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

None appears for the petitioner. We have gone through the affidavits filed by the parties. Petition was filed as public interest litigation to declare the action of first respondent in issuing tender notification dated 03rd September, 2002, as illegal and arbitrary, and consequently direct the respondent not to proceed with the construction of the shopping complex in the Mahatma Gandhi Park in Pedana town,

Krishna district. The basis for filing the petition was the policy of the Government not to destroy the parks, but respondents were trying to raise shopping complex in the area meant for park.

Affidavit in reply was filed by Ms. P.M.Satya Veni, Commissioner of Pedana Municipality stating that the Mahatma Gandhi park was not identified in the Master plan and there are seven other notified parks in the town, which have been developed and are being maintained as parks. It is stated that construction of shopping complex near the statue of Mahatma Gandhi is in consonance with law, and that the statue of Mahatma Gandhi is given protection by painting it, raising four walls, and an umbrella was also provided to protect it from sun and rain, and further there is also a ladder erected for garlanding the statue. It was decided by the Municipal Council to construct the shopping complex and name it as Mahatma Gandhi Shopping Complex near the statue, which has been done as per the policy of the Government under Integrated Development of Small and Medium Town Schemes to develop the open sites into shopping complex to improve the financial position.

In view of the stand of first respondent, there is hardly any merit in the writ petition, which is hereby dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

07-02-2005

bsc

ASST. REGISTRAR

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SECTION OFFICER

To

1 Commissioner
Pedana Municipality Commissioner, Pedana
Krishna District.

2 The President, K.Syamsunder Rao S/o Subramanya Sastry
Yuvajana Grandhalayam, Kolukulavari Street, Pedana, Krishna district..

Vajana Grandhalyam, Kolukula Vari street r/o Pedana
Krishna District

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